

REMARKS

This application has been reviewed in light of the Office Action dated November 4, 2004. Claims 29-55 are presented for examination, of which Claims 29, 36, 40, 47, and 51-53, the independent claims, have been amended to define still more clearly what Applicant regards as his invention, and Claim 39 has been amended as to a minor matter of form. Favorable reconsideration is requested.

Claims 29-31, 33-37, 39-42, 44-48, 50-53, and 55 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,359,628 (*Buytaert*); and Claims 32, 38, 43, 49, and 54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Buytaert*, in view of U.S. Patent No. 6,522,354 (*Kawamura et al.*).

As shown above, Applicant has amended independent Claims 29, 36, 40, 47, and 51-53 in terms that more clearly define what he regards as his invention. Applicant submits that these amended independent claims, together with the remaining claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

The rejection of independent Claims 29, 40, 51, and 53 will be discussed first.

The aspect of the present invention set forth in Claim 29 is an image processing apparatus. The apparatus includes image taking means for taking an image based on an image taking condition, display control means for controlling display of the image taken by the image taking means, and selection means for selecting an image as an object for re-taking from among the already-taken images displayed by the display control means. The apparatus also includes re-taking instruction means for instructing the image taking means to re-take the image corresponding to the image selected by the selection means, where the re-taking

instruction means is adapted to set the image taking condition of the selected image into the image taking means, and where the image taking condition of the selected image is set as an initial value.

Among other notable features of Claim 29 is that the re-taking instruction means instructs the image taking means to re-take the image corresponding to the image selected by the selection means, where the re-taking instruction means sets the image taking condition of the selected image into the image taking means, and where the image taking condition of the selected image is set as an initial value. That is, an image taking condition corresponding to the image selected for re-taking is used as an initial value of an image taking condition in the case of re-taking an image.

Buytaert relates to identifying and previewing radiographic images that are stored in a photostimulable phosphor screen. In *Buytaert*, a screen is used for inputting an image taking condition that is displayed. On the screen a slider is displayed which gives an indication on the exposure characteristics, such as whether the image has been over- or under-exposed. However, nothing has been found in *Buytaert* that would teach or suggest the re-taking instruction means instructing the image taking means to re-take the image corresponding to the image selected by the selection means, where the re-taking instruction means sets the image taking condition of the selected image into the image taking means, and where the image taking condition of the selected image is set as an initial value, as recited in Claim 29. That is, *Buytaert* does not teach or suggest that the image taking condition of a first-taken (previously taken) image is used as the initial value of the image taking condition in the case of re-taking the first taken image.

For at least the above reason, Applicant submits that Claim 29 is clearly patentable over *Buytaert*.

Independent Claims 40 and 51 are method and storage medium claims respectively corresponding to apparatus Claim 29, and are believed to be patentable over *Buytaert* for at least the same reasons as discussed above in connection with Claim 29. Additionally, independent Claim 53 includes features substantially similar to those of Claim 29. Accordingly, Claim 53 is believed to be patentable over *Buytaert*, for reasons substantially the same as those discussed above in connection with Claim 29.

The rejection of independent Claims 36, 47, and 52 will now be discussed.

The aspect of the present invention set forth in Claim 36 is an image processing apparatus. The apparatus includes image taking means for taking an image in association with an image taking ID, and storage means for storing the image taking ID of the image taken by the image taking means. The storage means are able to store plural images where the plural images are able to be associated with a single image taking ID. The apparatus also includes image selection means for, when the plural images are associated with a single image taking ID, selecting one image from the plural images associated with the single image taking ID, and image output means for outputting the image selected by the image selection means.

Among other notable features of Claim 36 are that plural images are able to be associated with a single image taking ID, selecting one image from the plural images associated with the single image taking ID, and outputting the selected image.

Buytaert discusses manually entering identification data for each image of a plurality of images, and that one image can be selected from among the displayed images for output. However, Applicant has found nothing in *Buytaert* that would teach or suggest that plural images are able to be associated with a single image taking ID, selecting one image from the plural images associated with the single image taking ID, and outputting the selected image, as recited in Claim 36.

For at least the above reason, Applicant submits that Claim 36 is clearly patentable over *Buytaert*.

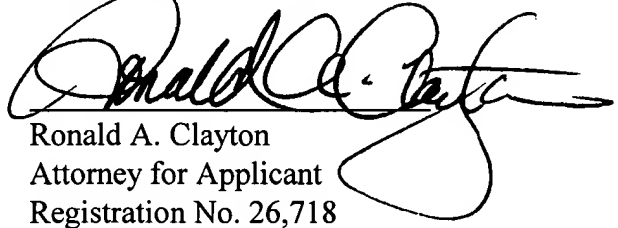
Independent Claims 47 and 52 are method and storage medium claims respectively corresponding to apparatus Claim 36, and are believed to be patentable over *Buytaert* for at least the same reasons as discussed above in connection with Claim 36.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



Ronald A. Clayton
Attorney for Applicant
Registration No. 26,718

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 480064v1